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OFFICE OF PETITIONS

In re Application of :
Meyer, et al. :
Application No. 10/614,028 : DECISION ON PETITION
Filed: July 8, 2003 :
Attorney Docket No. 0514-1050-1 :

This is a decision on the "PETITION TO ACCORD A FILING DATE UNDER 37 CFR 1.53(e)", filed June 22, 2005, to accord the above-identified application a filing date of July 8, 2003, with 6 sheets of drawings as part of the original disclosure.

The petition is GRANTED.

Application papers in the above-identified application were filed on July 8, 2003. However, on April 22, 2005, the Initial Patent Examination Division mailed applicants a "Notice of Incomplete NonProvisional Application." Applicants were notified that the application papers had not been accorded a filing date because the application was deposited without drawings.

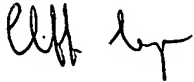
In response, applicants filed the instant petition. Accompanying the petition was a copy of 6 drawing sheets. Applicants maintain that the application as originally filed included 6 pages of drawings. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "6 Sheets of Formal Drawings" as enclosed, bearing a United States Patent and Trademark Office date-stamp of July 8, 2003, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

Given the basis for granting the petition, the \$400 petition fee has been refunded to Deposit Account No. 25-0120.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of July 8, 2003, using the application papers received in the Office on that date and the 6 pages of drawings as resupplied on petition filed June 22, 2005, and for indication in Office records that 6 sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions